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SCHEDULES

SCHEDULE 5

FUNCTIONS UNDER LEGISLATION RELATING TO NORTHERN IRELAND

PART 1

AMENDMENTS

Judicature (Northern Ireland) Act 1978 (c. 23)

- 22 The Judicature (Northern Ireland) Act 1978 is amended as follows.
- 23 (1) Section 7 (further assistance for transaction of judicial business) is amended as follows.
- (2) In subsections (1) and (2) for “Lord Chancellor” substitute “ Lord Chief Justice ”.
- (3) After subsection (4) insert—
- “(5) The Lord Chief Justice may nominate any of the following to exercise his functions under this section—
- (a) the holder of one of the offices listed in Schedule 1 to the Justice (Northern Ireland) Act 2002;
- (b) a Lord Justice of Appeal (as defined in section 88 of that Act).”
- 24 (1) Section 47 (exercise of jurisdiction by Crown Court) is amended as follows.
- (2) In subsection (2)—
- (a) for “Lord Chancellor” in the first place substitute “ Lord Chief Justice ”;
- (b) for “Lord Chancellor after consultation with the Lord Chief Justice” substitute “ Lord Chief Justice ”.
- (3) In subsection (3) for “Lord Chancellor after consultation with the Lord Chief Justice” substitute “ Lord Chief Justice ”.
- (4) In subsection (5) after “Lord Chancellor” insert “ after consultation with the Lord Chief Justice ”.
- (5) After subsection (6) insert—
- “(7) The Lord Chief Justice may nominate any of the following to exercise his functions under this section—
- (a) the holder of one of the offices listed in Schedule 1 to the Justice (Northern Ireland) Act 2002;
- (b) a Lord Justice of Appeal (as defined in section 88 of that Act).”
- 25 In section 48 (committal for trial on indictment), in subsection (1)(c) for “Lord Chancellor” substitute “ Lord Chief Justice ”.

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26 In section 52 (Crown Court rules), in subsection (1) for the words from the beginning to “prescribing—” substitute—

“(1) Subject to any statutory provision, Crown Court rules may be made in accordance with section 53A for the purpose of regulating and prescribing—”.

27 (1) Section 53 (membership of the Crown Court Rules Committee) is amended as follows.

(2) In subsection (1)(c) and (d) for “Lord Chancellor after consultation with the Lord Chief Justice” substitute “ Lord Chief Justice ”.

(3) After subsection (1) insert—

“(1A) The Lord Chief Justice may nominate any of the following to exercise his functions under subsection (1)(c) or (d)—

- (a) the holder of one of the offices listed in Schedule 1 to the Justice (Northern Ireland) Act 2002;
- (b) a Lord Justice of Appeal (as defined in section 88 of that Act).”

28 After section 53 insert—

“53A Making of Crown Court rules

(1) It is for the Crown Court Rules Committee to make Crown Court rules.

(2) After making Crown Court rules the Committee must submit them to the Lord Chancellor.

(3) The Lord Chancellor must allow or disallow Crown Court rules submitted to him.

(4) Crown Court rules have effect only if allowed by the Lord Chancellor.

(5) If the Lord Chancellor disallows Crown Court rules, the Lord Chancellor must give the Committee written reasons why he has disallowed them.

(6) Subsection (7) applies if the Lord Chancellor gives the Committee written notice that he thinks it is expedient for Crown Court rules to include provision that would achieve a purpose specified in the notice.

(7) The Committee must make such Crown Court rules as it considers necessary to achieve the specified purpose.

(8) Those Crown Court rules must be—

- (a) made within a reasonable period after the Lord Chancellor gives notice under subsection (6);
- (b) made in accordance with this section.”

29 (1) Section 55 (rules of court) is amended as follows.

(2) In subsection (1) for the words from the beginning to “with respect to—” substitute—

“(1) Subject to any statutory provision, rules may be made in accordance with section 55A with respect to—”.

(3) In subsection (2) for the words from the beginning to “make rules—” substitute—

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“(2) Subject to any statutory provision, rules may be made in accordance with section 55A—”.

(4) In subsection (3) for “made by the Rules Committee” substitute “ made under this section ”.

30 After section 55 insert—

“55A Making of rules of Court

- (1) It is for the Rules Committee to make rules under section 55(1) or (2).
- (2) After making such rules the Rule Committee must submit them to the Lord Chancellor.
- (3) The Lord Chancellor must allow or disallow rules submitted to him.
- (4) Rules submitted to the Lord Chancellor have effect only if allowed by him.
- (5) If the Lord Chancellor disallows rules submitted to him, he must give the Committee written reasons why he has disallowed them.
- (6) Subsection (7) applies if the Lord Chancellor gives the Rules Committee written notice that he thinks it is expedient for rules under section 55(1) or (2) to include provision that would achieve a purpose specified in the notice.
- (7) The Rules Committee must make such rules as it considers necessary to achieve the specified purpose.
- (8) Those rules must be—
 - (a) made within a reasonable period after the Lord Chancellor gives notice under subsection (6);
 - (b) made in accordance with this section.”

31 (1) Section 58 (sittings of High Court and Court of Appeal) is amended as follows.

(2) In subsection (2) for “Lord Chancellor” substitute “ Lord Chief Justice ”.

(3) After subsection (3) insert—

“(4) The Lord Chief Justice may nominate any of the following to exercise his functions under this section—

- (a) the holder of one of the offices listed in Schedule 1 to the Justice (Northern Ireland) Act 2002;
- (b) a Lord Justice of Appeal (as defined in section 88 of that Act).”

32 (1) Section 60 (taxation of costs) is amended as follows.

(2) In subsection (1) for “Lord Chancellor after consultation with the Lord Chief Justice” substitute “ Lord Chief Justice ”.

(3) After subsection (2) insert—

“(3) The Lord Chief Justice may nominate any of the following to exercise his functions under this section—

- (a) the holder of one of the offices listed in Schedule 1 to the Justice (Northern Ireland) Act 2002;

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- (b) a Lord Justice of Appeal (as defined in section 88 of that Act).”
- 33 (1) Section 68 (departments of the Supreme Court) is amended as follows.
- (2) In subsection (2)(b) for “Lord Chancellor” substitute “ Lord Chief Justice ”.
- (3) In subsection (4) for “Lord Chancellor” substitute “ Lord Chief Justice ”.
- (4) After subsection (6) insert—
- “(7) The Lord Chief Justice may nominate any of the following to exercise his functions under this section—
- (a) the holder of one of the offices listed in Schedule 1 to the Justice (Northern Ireland) Act 2002;
- (b) a Lord Justice of Appeal (as defined in section 88 of that Act).”
- 34 In section 71 (tenure of office of statutory officers), in subsection (3) omit “Lord Chancellor's”.
- 35 (1) Section 75 (Official Solicitor) is amended as follows.
- (2) In subsection (2)(b) for “Lord Chancellor” substitute “ Lord Chief Justice ”.
- (3) After subsection (2) insert—
- “(2A) The Lord Chief Justice may nominate any of the following to exercise his functions under subsection (2)(b)—
- (a) the holder of one of the offices listed in Schedule 1 to the Justice (Northern Ireland) Act 2002;
- (b) a Lord Justice of Appeal (as defined in section 88 of that Act).”
- 36 (1) Section 103 (appointment of justices of the peace) is amended as follows.
- (2) In subsection (6) after “Lord Chancellor” insert “ , after consultation with the Lord Chief Justice, ”.
- (3) In subsection (7) after “Lord Chancellor may direct” insert “ , after consultation with the Lord Chief Justice, ”.
- 37 Omit section 104 (under-sheriffs).
- 38 (1) Section 112 (oaths and affidavits) is amended as follows.
- (2) In subsection (3) for “Lord Chancellor” substitute “ Lord Chief Justice ”.
- (3) After subsection (7) insert—
- “(8) The Lord Chief Justice may nominate any of the following to exercise his functions under subsection (3)—
- (a) the holder of one of the offices listed in Schedule 1 to the Justice (Northern Ireland) Act 2002;
- (b) a Lord Justice of Appeal (as defined in section 88 of that Act).”
- 39 In section 119 (making and control of subordinate legislation), in subsection (5) omit “on the Lord Chancellor”.
- 40 (1) Schedule 6 (transitional provisions) is amended as follows.
- (2) Omit paragraph 6(a).

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- (3) In paragraph 9(b) after “Lord Chancellor” insert “ after consultation with the Lord Chief Justice ”.
- (4) After paragraph 9 insert—
 - “9A The Lord Chief Justice may nominate any of the following to exercise his functions under paragraph 9—
 - (a) the holder of one of the offices listed in Schedule 1 to the Justice (Northern Ireland) Act 2002;
 - (b) a Lord Justice of Appeal (as defined in section 88 of that Act).”
- (5) Omit paragraphs 11(3), 14 and 17.

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